

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DENNIS CALLANAN,

Plaintiff,

vs.

BRACHFELD LAW OFFICE, P.C.,

Defendants.

2:12-cv-00912-LDG-CWH

ORDER

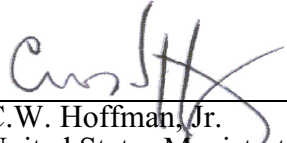
This matter is before the Court on Defendant's Motion for Reconsideration (#12), filed September 28, 2012. Although not entirely clear, the undersigned construes the motion as a request for reconsideration of the Court's order (#10) denying without prejudice Defendant's motion to substitute attorney.

At any time prior to entry of a final judgment, the Court may exercise its inherent power to revise, correct, and alter interlocutory orders. *See Sch. Dist. No. 5 v. Lundgren*, 259 F.2d 101, 105 (9th Cir. 1958); *Santamarina v. Sears, Roebuck & Co.*, 466 F.3d 570, 571-72 (7th Cir. 2006). Generally, courts will not reexamine an issue previously decided by the same or higher court in the same case. *Lucas Auto. Eng'g, Inc. v. Bridgestone/Firestone, Inc.*, 275 F.3d 762, 766 (9th Cir. 2001); *United States v. Cuddy*, 147 F.3d 1111, 1114 (9th Cir. 1998). However, a court has discretion to depart from the prior order when (1) the first decision was clearly erroneous, (2) there has been an intervening change of law, (3) the evidence on remand is substantially different, (4) other changed circumstances exist, or (5) a manifest injustice would otherwise result. *Cuddy*, 147 F.3d at 1114. The Court has reviewed its prior order (#10) and agrees that the requested reconsideration is appropriate. Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion for Reconsideration (#12) is **granted**.

1 **IT IS FURTHER ORDERED** that the Court's prior order (#10) is vacated and
2 Defendant's Motion to Substitute Attorney (#9) is **granted**.

3 DATED this 1st day of October, 2012.

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6 C.W. Hoffman, Jr.
United States Magistrate Judge